

Remarks

Favorable reconsideration of this application is requested in view of the following remarks. For the reasons set forth below, Applicant respectfully submits that the claimed invention is allowable over the cited references.

The non-final Office Action dated August 26, 2004, indicated that claims 1-22 are rejected under the judicially created doctrine of obviousness-type double patenting over claims 1-22 of U.S. Patent No. 6,229,161 and over claims 1-14 of U.S. Patent No. 6,727,529.

With respect to the double patenting rejection, Applicant has enclosed a Terminal Disclaimer under 37 CFR § 1.321(c). With respect to the characterization of the subject matter and scope of the instant claims and claims 1-22 of commonly-owned U.S. Patent No. 6,229,161, and claims 1-14 of commonly-owned U.S. Patent No. 6,727,529, Applicant does not necessarily agree. Notwithstanding, Applicant submits that the above-referenced Terminal Disclaimer renders this issue moot.

In view of the above discussion, Applicant believes that the rejection has been overcome and the application is in condition for allowance. A favorable response is requested. Should there be any remaining issues that could be readily addressed over the telephone, the Examiner is encouraged to contact the undersigned at (651) 686-6633.

Respectfully submitted,

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By: 

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